

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4228 OF 2006

Dinesh Dattatraya Yadav ..Applicant
V/s
The State of Maharashtra & Ors. ..Respondents.

None for the applicant

Mr. Y.S. Shinde, A.P.P. for the State

Mr. R.B. Thakare and A.M. Chimalkar, Special P.P. for
the State.

CORAM : J.H. BHATIA, J.

DATE : 13TH APRIL, 2007.

P.C.

. Read the reply filed on behalf of CBI. Heard
Mr. Chimalkar, learned Special P.P. for respondent
No..2 and Mr. Shinde, A.P.P.for the State.

2. The applicant has made this application from
Yerwada Central Jail, Pune for transfer of Crime No.
307/2001 registered by Shahupuri Police Station to Pune
Court for trial. According to him, in this case, he has
been released on bail. However, later on in Crime No.
135/2002 registered by Bundgarden Police Station, Pune,
he is arrested along with several other persons. Some

more persons are also arrested and implicated in Crime No. 135/2002 and similarly there are some other accused from Crime No. 307 of 2001 of Shahupuri Police Station. According to him, all these cases pertain to the fake stamps and the State of Maharashtra had issued a Notification in November, 2003 for transfer of stamp cases for trial to the Special Court at Pune, which include cases from Thane and Mumbai also. According to him, for the sake of convenience, case of Kolhapur be also transferred to Pune.

3. The request is opposed on behalf of the CBI. The learned Counsel for CBI, makes a statement that the cases which are transferred to Special Court Pune are registered under MCOC Act, though they are about the fake stamps. In those case, there are large number of accused persons and they may take long time for trial. On the other hand, the case at Kolhapur is likely to be disposed off soon, because the witnesses in that case are local from Kolhapur. It appears that the apprehension of the accused is that he may not be produced as and when the case at Kolhapur is called and according to him, no progress has taken place in that matter.

4. It appears that now charge-sheet is already filed in Crime No. 307/2001. While at Pune there are number of cases of large number of accused the possibility of early trial is remote. On the other hand, the trial of the case at Kolhapur may not take much time. Besides the case at Kolhapur is investigated by the Maharashtra Police, while case before the Pune Courts are investigated by CBI. The purpose of the accused will be served, if the direction for expediting the trial and disposal of the case is issued.

5. Taking into consideration all these circumstances, the learned Sessions Judge, Kolhapur is hereby directed to see that the trial of the case arising out of Cr.No. 307/2007 registered by Shahupuri Police is expedited and disposed off, as early as possible. Similarly, the Superintendent, Yerwada Central Jail, Pune is directed that as and when the presence of accused is required before the Court at Kolhapur, he shall be produced without fail. The application stands disposed of with the aforesaid directions.

[4]

(J.H. BHATIA, J.)